

Electronic legal transactions with a focus on simple electronic signatures

Abstract

The thesis is divided into six chapters. The first chapter consists of an introduction. The second chapter presents the general regulation and the meaning of the signature with a brief historical background necessary to assess the possible applicability of earlier conclusions to the current legal regulation.

The third chapter is devoted to the current regulation and individual types of electronic signatures, *i.e.* the division into qualified electronic signature, advanced electronic signature and simple electronic signature and the Czech specificity in the form of advanced electronic signature based on a qualified certificate for electronic signatures, commonly known as recognised electronic signature. The chapter also concludes with a discussion of biometric signature, which is increasingly used in practice.

The fourth chapter deals with the written form of legal transactions, *i.e.* a detailed analysis of the Sections 561 and 562 of the Civil Code, including their interrelation. Furthermore, aspects of digital continuity in higher levels of electronic signatures and their comparison with simple electronic signature are discussed. In the last part of the chapter, different types of electronic contracts and the differences between the evidentiary effects of different types of electronic signatures and the (in)validity of a written legal transactions are discussed.

In the fifth chapter, the author of the thesis analyses the current case law and its contradictions, in particular on the issues of email without electronic signature and (non-)fulfilment of the requirement of written form, the relationship between the provisions of Sections 561 and 562 of the Civil Code, the nature of scanned handwritten signature, unique ID and click-through contracts, two-factor authentication in the form of SMS message, mouse signature in a blank field on a website, the requirement of higher levels of electronic signatures to fulfil the written form and the confusion between the requirement of written form and identification. The last part of the chapter discusses possible solutions to unify court practice.

The sixth chapter outlines the future prospects for electronic signatures, particularly in light of the planned amendment to the eIDAS regulation, known as eIDAS 2.0, and the recently launched eDoklady application.

Key words: electronic signature, written legal transactions, digital continuity